FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.94 OF 2006 IN SUIT NO.2022 OF 1997

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

None for the Plaintiffs.
Mr. R.R.Sharma for the Defendant/Applicant.

CORAM : R.S.MOHITE,J.
DATED : 28/8/2006.

P.C.

1. This chamber summons is taken out by the original defendant for setting aside the order dated 30.4.2005 passed by the Prothonotary & Sr. Master of this court directing the plaintiffs to proceed for exparte hearing in suit No.2022/1997. There is also prayer for condonation of delay, if any, in filing the application.

2. The original plaintiffs have served the defendant through his advocate on 16.2.2006 and the signature of the advocate concerned has been taken. The affidavit of service dated 25.3.2006

has been filed accordingly. It is mentioned in the affidavit in support of the chamber summons that the writ of summons was not served and therefore, the defendant was waiting for service of writ of summons. It is further stated by the defendant that the plaintiffs had taken out the notice of motion for exparte hearing but the copy of the motion was not served upon him. In or about March or April, 2005, when the motion appeared before Justice Mohta, it was learnt that the suit was kept for exparte hearing. At that time the defendant was in his native place at U.P. For the reasons mentioned in the affidavit in support and as no reply is filed to the chamber summons, chamber summons is made absolute in terms of prayer clause (b) and (c). No order as to costs.

(R. S. MOHITE, J.)